



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: JULY 01, 2022

IN THE MATTER OF:

Appeal Board No. 621765

PRESENT: RANDALL T. DOUGLAS, MEMBER

In Appeal Board Nos. 621764 and 621765, the claimant appeals from the decisions of the Administrative Law Judge filed February 23, 2022, which sustained the initial determinations holding the claimant ineligible to receive benefits, effective November 30, 2020 through January 3, 2021 and effective January 24, 2021 through April 25, 2021, on the basis that the claimant did not comply with registration requirements; and holding the claimant ineligible to receive benefits, effective January 18, 2021 through January 24, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification.

At the combined telephone conference hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance by the claimant.

Our review of the record reveals that the case should be remanded to hold a hearing. The Commissioner of Labor is directed to present a witness to provide additional testimony and evidence. The Commissioner shall produce the claimant's Monetary Benefit Determination and any other document that may have been sent to the claimant to indicate whether or not he was able to establish a valid original claim and eligible for benefits. The Judge shall question the Commissioner's witness regarding the mail date of each

such document, the documents' contents with respect to whether benefits were available to this claimant, and any instructions with respect to certifying for benefits in future weeks. Subject to any objections, the Judge shall take these documents into evidence. The Judge also shall question the

Commissioner's witness with respect to whether or not the claimant was on notice that there was a Claimant Information Handbook and that he was responsible for complying with the contents of the Handbook. The witness shall be questioned with respect to how the claimant was put on notice of the Handbook, what he was told about the Handbook, whether he was offered a Handbook, and whether a Handbook was mailed or otherwise made available to him. The witness also shall be questioned with respect to whether, how, and when the claimant would have been put on notice that he was required to certify for benefits every week. The claimant shall be confronted with the relevant portions of all new exhibits, and shall be afforded an opportunity to provide additional testimony and evidence. In addition, the Judge shall take such further testimony and evidence as may be necessary to complete the record.

Now, based on all of the foregoing, it is

ORDERED, that the decisions of the Administrative Law Judge be, and the same hereby are, rescinded; and it is further

ORDERED, that the cases shall be, and the same hereby are, remanded to the Hearing Section to hold a hearing on the issues of failure to comply with registration requirements and failure to comply with certification requirements, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render new decisions, on the issues of failure to comply with registration requirements and failure to comply with certification requirements, which shall be based on the entire record in these cases, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

RANDALL T. DOUGLAS, MEMBER